

ORDINANCE NO. 12-19

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN LED READER-BOARD PYLON SIGN ON PROPERTY ZONED COMMERCIAL OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, WITHIN 180 FEET, MORE OR LESS, FROM PROPERTY ZONED RESIDENTIAL, WHERE A MINIMUM 300 FEET IS REQUIRED, WITH A HEIGHT OF 24 FEET, WHERE A MAXIMUM HEIGHT OF 20 FEET IS ALLOWED, AND A SIGN AREA OF 376 SQUARE FEET, WHERE A MAXIMUM SIGN AREA OF 120 SQUARE FEET IS ALLOWED, CONTRA TO HIALEAH CODE §§ 74-149 (b), 74-149 (e), 74-149 (g)(2)b. AND 74-149(g)(2)c. **PROPERTY LOCATED AT 1230 WEST 29 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 14, 2012, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow an LED reader-board pylon sign on property zoned commercial outside the geographic area where LED signs are permitted, within 180 feet, more or less, from property zoned residential, where a minimum of 300 feet is required, with a height of 24 feet, where a maximum height of 20 feet is allowed, and a sign area of 376 square feet,

where a maximum sign area of 120 square feet is allowed, contra to Hialeah Code §§ 74-149(b), 74-149(e), 74-149(g)(2)b. and 74-149(g)(2)c., which provide in pertinent part: “*Geographic area.* The LED regulations are limited to a geographic area comprising of three distinct areas: (1) properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2) properties fronting West 16 Avenue, from Okeechobee Road to West 49 Street; and (3) properties fronting Okeechobee Road, on the northern side, from West 16 Avenue to West 20 Avenue.”, “*Distance from residential-zoned properties.* An LED sign shall be placed at a distance no less than a 300-foot radius from the property lines of a residential-zoned property.”, “*Maximum area.* The maximum sign area allowed, including the sign face and structure, is 120 square feet.”, and “*Maximum height.* The maximum height shall be 20 feet from the street grade to the top of the sign structure. The height of the LED display itself shall not exceed 15 feet.”, respectively. Property located at 1230 West 29 Street, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District), and legally described as follows:

TRACT A, OF “ESTELLE MAURICE SUBDIVISION”, A PLAT IN PROGRESS, A REPLAT OF A PORTION OF TRACT 49, OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1” IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 49, ALSO BEING THE SOUTHEAST CORNER OF THE NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 11; THENCE SOUTH 89°42’29” WEST ALONG THE SOUTH LINE OF SAID TRACT 49, ALSO BEING THE SOUTH LINE OF SAID NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE

NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 11 FOR 35.01 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE NORTH 0147'02" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF WEST 12 AVENUE, AS IT NOW EXISTS, BEING ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 49, ALSO BEING THE EAST LINE OF SAID SECTION 11, FOR 275.72 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 25.00 FOOT RADIUS CURVE, LEADING TO THE LEFT, THROUGH A CENTRAL ANGLE OF 8830'10" FOR AN ARC DISTANCE OF 38.62 FEET TO A POINT OF TANGENCY; THENCE SOUTH 8942'48" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST 29 STREET, AS IT NOW EXISTS, BEING ALONG A LINE 30.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 49, ALSO BEING THE NORTH LINE OF SAID SOUTHEAST $\frac{1}{4}$ OF SECTION 11, FOR 195.66 FEET; THENCE SOUTH 0147'02" EAST DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND PARALLEL WITH SAID EAST LINE OF TRACT 49 FOR 174.99 FEET; THENCE NORTH 8942'29" EAST ALONG A LINE PARALLEL WITH SAID SOUTH LINE OF TRACT 49 FOR 19.95 FEET; THENCE SOUTH 0147'02" EAST ALONG A LINE PARALLEL WITH SAID EAST LINE OF TRACT 49 FOR 125.11 FEET TO A POINT ON SAID SOUTH LINE OF TRACT 49; THENCE NORTH 8942'29" EAST ALONG SAID SOUTH LINE OF TRACT 49, ALSO BEING THE SOUTH LINE OF SAID NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 11 FOR 200.07 FEET TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to

exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

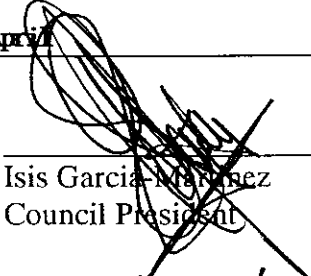
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

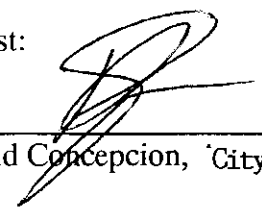
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10th day of April, 2012.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 10 day of April, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodzicki, City Attorney
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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".